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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,294	01/23/2004	Christopher Paul Chambers	016955-0307491	4686
909 7590 09/06/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP Eric S. Cherry - Docketing Supervisor P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER LANGDON, EVAN H	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10762294	1/23/2004	CHAMBERS, CHRISTOPHER PAUL	016955-0307491

## EXAMINER

Evan H. Langdon

## ART UNIT

## PAPER

3654

20070830

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

The appeal brief submitted on 7/17/07 is still defective for the reasons set out in the Notice of Non-Compliance of 6/26/07. Appellant still is referring to Random House Webster's Unabridged Dictionary in the supplemental appeal brief on page 7, and has listed a definition of the term "pivot" in the evidence relied upon section without listing where it was entered by the examiner. 37 CFR 41.37(c)(1) states,

"Any appendix containing copies of any evidence submitted pursuant to 1.130, 1.3.1 or 1.1.32 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See 41.33 for treatment of evidence submitted after appeal." (emphasis added)

Further, 37 CFR 41.337(c)(2) states,

"A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence." (emphasis added)

Appellant's attention is directed to 37 CFR 41.33 for guidance as to when evidence can be entered after the filing of a notice of appeal.

If Appellant has previously timely submitted the evidence referred to above, Appellant should provide a copy in the evidence appendix and a statement of when the evidence was entered by the examiner. If the evidence referred to above, has not been previously entered Appellant should consult 37 CFR 41.33 and/or remove the reference to unentered evidence for the appeal brief.

The time period for reply set forth in the Notice of Non-Compliance of 6/26/07 is still running and extensions of time are available.

Peter M. Cuomo

Supervisory Patent Examiner  
Technology Center 3600